ACQUISITION AND CROSS-SERVICING AGREEMENTS ACQUIRING SUPPORT

Host Nation Team

US ARMY EXPEDITIONARY CONTRACTING COMMAND
409th Contracting Support Brigade (Europe)

ACQUISITION AND CROSS-SERVICING AGREEMENTS ACQUIRING SUPPORT

- **WHAT AND WHY IS ACSA?**
- **ACQUIRING SUPPORT UNDER ACSA.**
- **UNAUTHORIZED COMMITMENTS.**

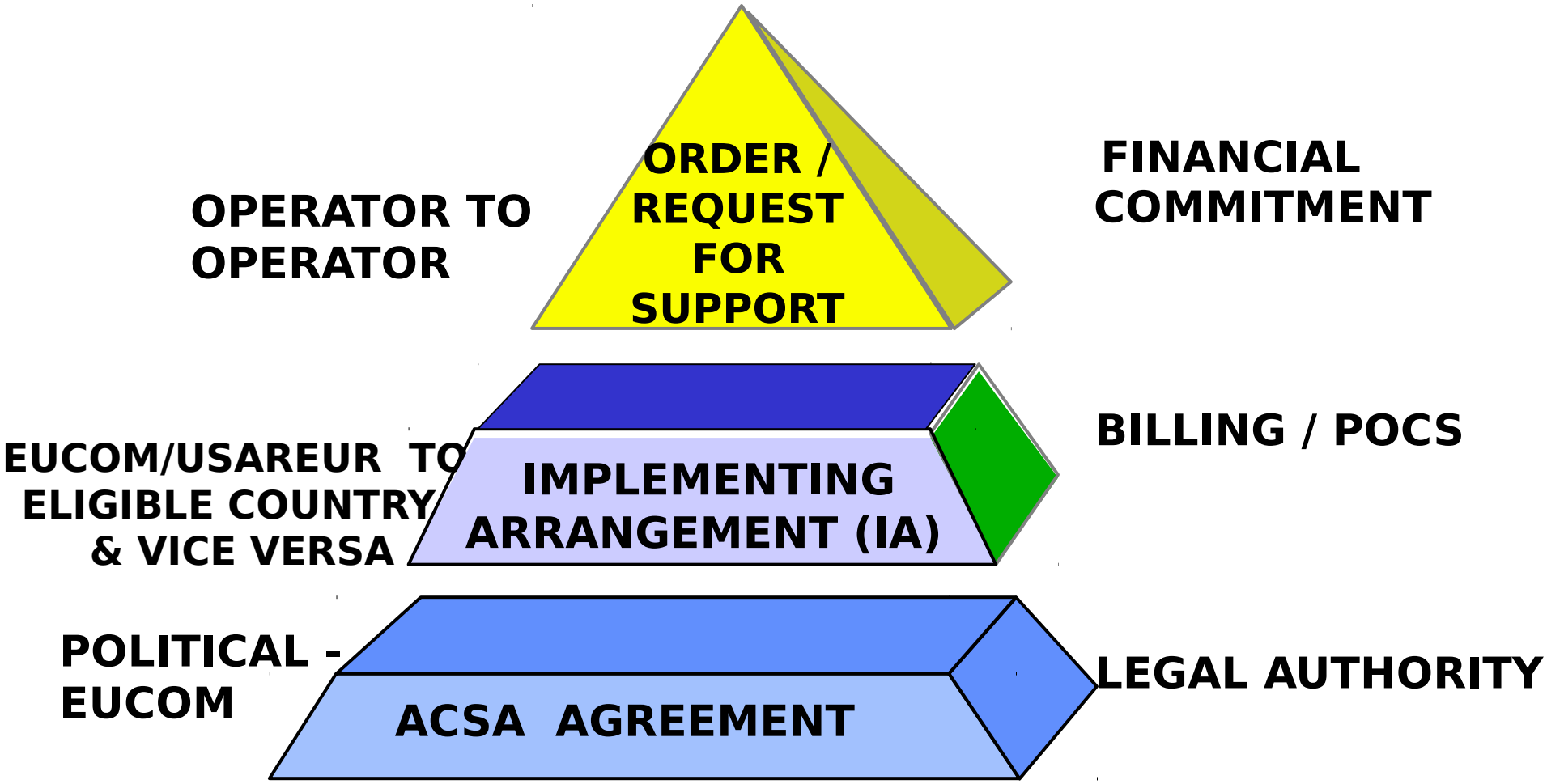
ACQUISITION AND CROSS-SERVICING AGREEMENTS ACQUIRING SUPPORT

agreements to acquire, provide or exchange logistics (with **NATO**, NATO members, other **eligible countries** or **UN** organizations)

✓ **faster**, easier support exchanges **than FMS or contracts**

✓ **cash** reimbursement, **replacement-in-kind (RIK)** or **equal value exchanges (EVE)** under reciprocal pricing principles or cost re-imbursement

ACSAs…THE SYSTEM



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WHAT DOES AN ACSA DO?

- **Provides the legal basis for logistics exchanges between the U.S. and other military forces, *but does not financially or politically commit either party.***
- **Flexibility for on-scene commander--provides a means to meet logistics shortfall emergencies.**
- **Timely support in emergencies--avoids standard contracting or FMS procedures.**
- **World wide coverage.**

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HOW DOES AN ACSA WORK?

- **Either nation places a written order.**
- **Individual orders under ACSA must be mutually agreed and consistent with *both* countries national priorities.**
- **Transactions are reimbursable by currency, replacement-in-kind, or equal value exchange.**
- **Reciprocal pricing used for acquisitions or transfers (i.e., charge each other what we charge ourselves).**
- **Revert to cost reimbursement when reciprocal pricing is not possible.**

Can I ACQUIRE Support Thru ACSA?

I Can **ACQUIRE** ACSA Support From Another Country If:

As with providing support, to acquire ACSA support:

- Acquisition must be supported by US CDR
  - I must be **ACSA trained** w/ **delegation** memo
  - **Support** category must be **allowable** under ACSA
  - **Ceiling** Authority must be available
  - Support cannot conflict with **ACSA pr**

IF NOT → STOP

Contact AFRICOM OPSLOG/Resources POCs

GO → Country has **ACSA/IA w/ US**

IF NOT → STOP

Contact 409th Contracting Spt Bde to procure support.

GO → Funds are Available

IF NOT → STOP

GO → Spt < $25K

IF NOT → STOP

Contact 409th Contracting Spt Bde to procure support.

GO → If both countries agree **in writing, in advance** to cost and other provisions of the exchange on STANAG 3381 the exchange can now **proceed**

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ACQUISITION AND CROSS-SERVICING AGREEMENTS ACQUIRING SUPPORT STATEMENT OF REQUIREMENT

- **Requiring activity/unit organization will:**
  - **Review the Agreement or Arrangement**
  - **Determine if the Host Nation can meet the requirement**
  - **Develop the Statement of Requirements (SOR) / Statement of Work (SOW)**
    - **Consult 409th during Planning Phase**
    - **Consider all possible requirements**
    - **Estimate required quantities, frequency, duration, performance period, e.t.c.**
    - **Structure the SOR/SOW by Line Items**

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PROCUREMENT PREPARATION

Prior to submitting the Procurement Package, the RA will:

- **Identify an Acceptance POC**
- **Secure necessary approvals**
- **Obtain Funding**
- **Render technical advice to the Contracting Officer**
- **Identify Host Nation Point of Contact**

ACQUISITION AND CROSS-SERVICING AGREEMENTS ACQUIRING SUPPORT PROCUREMENT PACKAGE

Submit Procurement Package consisting of:

- **Statement of Work (SOW) or Statement of Requirements (SOR)**
- **Acceptance POC Nomination**
- **Funded Purchase Request and Commitment (PR&C)**

ACQUISITION AND CROSS-SERVICING AGREEMENTS ACQUIRING SUPPORT FUNDING ORDERS (Pre-Award Phase)

409th CSB will:

- **Review the procurement package**
- **Negotiate the estimated cost with the Host**
- **Nation**
- **Complete the ACSA Order Form (AE FORM 1-3**
- **AR)**
- **Obtain required reviews**
- **Award the Funding Order**

ACQUISITION AND CROSS-SERVICING AGREEMENTS ACQUIRING SUPPORT FUNDING ORDERS (Post-Award Phase)

409th CSB will:

- **Negotiate any modifications**
- **Monitor invoices**
- **Definitize Funding Orders**
- **Deobligate unexpended funding**
- **Close-out contract after performance**
- **Report ACSA obligations**

ACQUISITION AND CROSS-SERVICING AGREEMENTS ACQUIRING SUPPORT

FUNDING ORDERS (Post-Award Phase, Cont.)

- **Requiring Activity will:**
  - **Monitor performance, perform Quality Assurance**
  - **and Acceptance of Supplies and/or Services**
  - **Receive invoices**
  - **Ensure obligated funds are not exceeded**
  - **Certify and forward invoices for disbursement**
  - **Balance expenditures**
  - **Initiate necessary modifications**
  - **Submit modification package to 409th promptly**
  - **Identify unexpended obligations**

ACQUISITION AND CROSS-SERVICING AGREEMENTS ACQUIRING SUPPORT FUNDING ORDERS (Post-Award Phase, Cont.)

STANAG 2034 vs. ACSA:

- **The US DoD has not ratified the STANAG**
- **The only legal authority for US to exchange logistical support is ACSA**

SOR and ESA:

- **Statement of Requirements and Exercise Support Agreements do not, by themselves, authorize exchange of logistical support.**
- **An order is always required**

ACQUISITION AND CROSS-SERVICING AGREEMENTS ACQUIRING SUPPORT

FUNDING ORDERS (Post-Award Phase, Cont.)

MOD vs. other Ministries:

- **ACSA limits us to exchange of logistical support with Ministries of Defense only.**
- **Problems with security services, for example.**

ACQUISITION AND CROSS-SERVICING AGREEMENTS ACQUIRING SUPPORT UNAUTHORIZED COMMITMENTS

Causes:

- **Failure to follow regular procurement procedures**
- **Host nation's unfamiliarity of US procurement procedures**
- **Host nation's willingness to please**

Result:

- **US Gov't assumes liability for irregular procurement**

- or -

- **Person responsible pays out of own pocket**

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CONCLUSION

- **ACSA is very flexible & powerful tool…BUT flexibility can be worst enemy.**
- **Watch out for unauthorized commitments.**

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QUESTIONS ???

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